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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,787	04/21/2004	Anthony D'Agostino	1744	5077
23623	7590	04/05/2007	EXAMINER	
AMIN, TUROCY & CALVIN, LLP 1900 EAST 9TH STREET, NATIONAL CITY CENTER 24TH FLOOR, CLEVELAND, OH 44114			MILLER, BRANDON J	
			ART UNIT	PAPER NUMBER
			2617	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/828,787	D'AGOSTINO ET AL.	
	Examiner Brandon J. Miller	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 January 2007.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9, 11-15 and 17-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9, 11-15 and 17-27 is/are rejected.  
 7) Claim(s) 28 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Remarks***

### ***Allowable Subject Matter***

Claim 28 contains allowable subject matter. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 28 the prior art does not teach or fairly suggest populating a history log with utilization of components of the portable terminal according to time of day; and utilizing the history log to ensure power is provided to components of the portable terminal based at least in part upon a comparison between time of day the component experiences a high-level of use and the current time of day.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-9, 11-15, 17-25, 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Loughran (US 7,185,211 B2).

Regarding claim 1 Loughran teaches a power management scheme for a wireless mobile terminal (see col. 1, lines 14-20). Loughran teaches a configuration bank that stores power management schemes for a wireless mobile terminal (see col. 1, lines 14-20 and col. 6, lines 2-5, feature database of power management process relates to configuration bank storing power

management schemes). Loughran teaches a power management component that utilizes at least one power management scheme to selectively control power to at least one portion of the wireless mobile terminal and maintains full power to a central processing unit (CPU) and a network radio of the wireless mobile terminal to (see col. 3, lines 36-51 and col. 4, lines 17-26, ensuring reliable uninterrupted network communication while removing power from other portions of the wireless mobile terminal is an inherent result of selectively controlling power to at least one portion of the wireless mobile terminal and maintaining full power to a central processing unit (CPU) and a network radio).

Selectively disabling features of software applications that are not essential to proper function of the applications and consume high power relates to selectively controlling power to at least one portion of the wireless mobile terminal and maintains full power to a central processing unit (CPU) and a network radio because it is inherent from the cited disclosure in Loughran that the CPU and network radio must have full power in order for the software applications to function properly (for example, e-mail software application (see col. 3, lines 40-42)).

Software applications on a mobile device relates to at least one portion of the wireless mobile terminal because the software applications are integrated within the mobile device.

Regarding claim 3 Loughran teaches a power management component that is activated to remove power via one of: a time lapse; a period of inactivity; an event; a user request; a programmatic application program interface (API); network data; an application, the wireless

mobile terminal, and another wireless mobile terminal (see col. 4, lines 10-12 and col. 5, lines 1-6, user request, time lapse, an application, API).

Regarding claim 4 Loughran teaches the power management component is activated to resume power via one of: pressing a button; turning a key; touching an active touch screen area; a programmatic control; voice; expiration of a timeout; a date; an electrical current; a request; a signal; motion; a trigger; a link status change; a network keep alive; a proxy-ARP packet; a re-authentication packet; a directed packet; wake-on-LAN request; and reception of network data (see col. 1, lines 54-64 and col. 5, lines 4-10, a programmatic control, a signal).

Regarding claim 5 Loughran teaches a power management component executes as a background application (see col. 3, lines 55-64).

Regarding claim 6 Loughran teaches automatically executing the power management scheme to reduce power consumption or waits for user confirmation (see col. 3, lines 55-64).

Regarding claim 7 Loughran teaches the power management component executes in one of wireless mobile terminal BIOS, an application, an external device, and a wireless mobile terminal operating system (see col. 1, lines 14-20 and Figure 2).

Regarding claim 8 Loughran teaches the power management component utilizes one of intermittent and continuous polling of the wireless mobile terminal to automatically determine when power should be reduced and dynamically applies the power management scheme to reduce power (see col. 3, lines 55-57 and col. 4, lines 18-26).

Regarding claim 9 Loughran teaches the power management scheme is based on at least one of a wireless mobile terminal characteristic, a state of one or more portions of the wireless

mobile terminal, a user identified configuration, and a user attribute (see col. 3, lines 55-57 and col. 4, lines 18-26).

Regarding claim 11 Loughran teaches the power management scheme is one of a default, a user defined, an application generated and an intelligence created configuration (see col. 1, lines 54-64).

Regarding claim 12 Loughran teaches the intelligence created configuration is generated based on at least one of machine learning, a statistic, a probability, an inferences and/or a classifier (col. 4, lines 10-12, power management states determined by a user context such as use relates to machine learning).

Regarding claim 13 Loughran teaches an API that is utilized for at least one of invoking the power management component and providing a power management scheme (see col. 5, lines 1-6).

Regarding claim 14 Loughran teaches a method that manages power for a portable terminal (see col. 1, lines 14-20). Loughran teaches receiving indicia indicating power should be removed from a portion of the portable terminal (see col. 1, lines 14-20 and col. 3, lines 36-51). Loughran teaches removing power from the portion of the portable terminal to reduce battery power consumption; and maintaining reliable uninterrupted portable terminal network connectivity at least by supplying full power to a central processing unit (CPU) and a network radio (see col. 3, lines 36-51 and col. 4, lines 17-26).

Selectively disabling features of software applications that are not essential to proper function of the applications and consume high power relates to removing power from the portion of the portable terminal; and maintaining reliable uninterrupted portable

terminal network connectivity at least by supplying full power to a central processing unit (CPU) and a network radio because it is inherent from the cited disclosure in Loughran that the CPU and network radio must have full power in order for the software applications to function properly (for example, e-mail software application (see col. 3, lines 40-42)).

Software applications on a mobile device relates to at least one portion of the wireless mobile terminal because the software applications are integrated within the mobile device.

Regarding claim 15 Loughran teaches obtaining a power management configuration that defines a power removal scheme (see col. 4, lines 17-26).

Regarding claim 17 Loughran teaches the power management component is activated to remove power via one of: a time lapse; a period of inactivity; an interrupt; an event; a user request; a programmatic application program interface (API); network data; an application, the wireless mobile terminal, and another wireless mobile terminal; pressing a button; turning a key; touching an active touch screen area; a programmatic control; voice; expiration of a timeout; a date; an electrical current; a request; a signal; motion; a trigger; a link status change; a network keep alive; a proxy-ARP packet; a re-authentication packet; a directed packet; wake-on-LAN request; and reception of network data (see col. 4, lines 10-12 and col. 5, lines 1-6, user request, time lapse, an application, API).

Regarding claim 18 Loughran teaches a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 19 Loughran teaches a power management method that facilitates distribution of power to portions of a wireless computing device (see col. 1, lines 14-20). Loughran teaches detecting that power should be removed from a portion of the wireless computing device (see col. 1, lines 14-20 and col. 3, lines 36-51). Loughran teaches retrieving an associated power management scheme; and employing the power management scheme to remove power from the portion of the portable terminal while sustaining full power to a central processing unit (CPU) and a network radio providing an uninterrupted channel of communication with a network (see col. 3, lines 36-51 and col. 4, lines 17-26).

Selectively disabling features of software applications that are not essential to proper function of the applications and consume high power relates to removing power from the portion of the portable terminal while sustaining full power to a central processing unit (CPU) and a network radio because it is inherent from the cited disclosure in Loughran that the CPU and network radio must have full power in order for the software applications to function properly (for example, e-mail software application (see col. 3, lines 40-42)).

Software applications on a mobile device relates to at least one portion of the wireless mobile terminal because the software applications are integrated within the mobile device.

Regarding claim 20 Loughran teaches a device as recited in claim 8 and is rejected given the same reasoning as above.

Regarding claim 21 Loughran teaches dynamically adjusting the power applied to the at least one portion of the wireless computing device (see col. 1, lines 54-64)

Regarding claim 22 Loughran teaches drawing less power from a battery utilized to power a portable terminal (see col. 2, lines 64-66 and col. 3, lines 47-50).

Regarding claim 23 Loughran teaches a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 24 Loughran teaches employing intelligence to facilitate managing the power applied to the at least one portion of the wireless computing device (see col. 4, lines 10-26).

Regarding claim 25 Loughran teaches a device as recited in claim 12 and is rejected given the same reasoning as above.

Regarding claim 27 Laughran teaches a power management component polling at least one disparate component associated with the wireless mobile terminal to determine frequency of use, the frequency of use employed to control a level of power to the disparate component (see col. 4, lines 10-14, power management states determined by use at various locations of user relates to determining frequency of use to control a level of power).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loughran (US 7,185,211 B2) and Schneider et al. (US 2005/0015618 A1).

Regarding claim 26 Loughran teaches a power management method that facilitates distribution of power to portions of a wireless computing device (see col. 1, lines 14-20). Loughran teaches determining when to activate power management (see col. 1, lines 14-20 and col. 3, lines 36-51). Loughran teaches acquiring a selective power management configuration; and applying the power management scheme to selectively lower power applied to portions of the wireless mobile device to mitigate power consumption while maintaining full power to a central processing unit (CPU) and a network radio to ensure reliable uninterrupted network communication (see col. 3, lines 36-51 and col. 4, lines 17-26, ensuring reliable uninterrupted network communication while lowering power from other portions of the wireless mobile terminal is an inherent result of selectively controlling power to at least one portion of the wireless mobile terminal and maintaining full power to a central processing unit (CPU) and a network radio).

Selectively disabling features of software applications that are not essential to proper function of the applications and consume high power relates to selectively lowering power applied to portions of the wireless mobile device while maintaining full power to a central processing unit (CPU) and a network radio because it is inherent from the cited disclosure in Loughran that the CPU and network radio must have full power in order for the software applications to function properly (for example, e-mail software application (see col. 3, lines 40-42)).

Software applications on a mobile device relates to at least one portion of the wireless mobile terminal because the software applications are integrated within the mobile device.

Loughran does not specifically teach a wireless mobile barcode scanner.

Schneider teaches a wireless mobile barcode scanner (see paragraph [0009]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a wireless mobile barcode scanner because a portable computer is analogous to a portable computing device.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recited the limitation “the intelligence created configuration” in line 1, but in the preceding claim, upon which it is dependent on, recites the power management scheme is one of a number of configurations. Therefore, there is insufficient antecedent basis for this limitation in the claim.

***Claim Objections***

Claim 28 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 1, 2-9, 11-15, and 17-27 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ishiguro et al. U.S Patent No. 5,027,428 discloses a power saving arrangement and power saving method.

Vaglica Pub. No.: U.S. 2003/0056127 A1 discloses CPU powerdown method and apparatus therefor.

Oh Pub. No.: U.S. 2005/0010828 A1 discloses a device and method for managing power in computer system.

Kou U.S Patent No. 5,978,923 discloses a method and apparatus for a computer power management function including selective sleep states.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
March 29, 2007

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER